

|  |
|--|
| USDC SDNY<br>DOCUMENT<br>ELECTRONICALLY FILED<br>DOC #: _____<br>DATE FILED: 11/9/2021 |
|--|

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|                          |   |
|--------------------------|---|
| -----                    | X |
|                          | : |
| UNITED STATES OF AMERICA | : |
|                          | : |
|                          | : |
|                          | : |
| -v-                      | : |
|                          | : |
| SEPEHR SARSHAR,          | : |
|                          | : |
| Defendant.               | : |
|                          | : |
| -----                    | X |

1:21-cr-202-GHW

ORDER

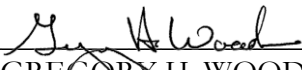
GREGORY H. WOODS, United States District Judge:

On July 2, 2021, Defendant filed a motion to dismiss the indictment on the ground that the indictment was impermissibly duplicitous. Dkt. No. 41. At the conference held on October 29, 2021, the Court provided a detailed oral opinion in which the Court concluded that the indictment created a threat of impermissible duplicity. Transcript of the October 29, 2021 conference at 126–30. The Court then presented the Government with three potential remedies: (1) dismiss the indictment without prejudice; (2) have the Government elect to proceed based on only one of the distinct crimes alleged; or (3) establish through jury instructions or a special verdict form that the jury is unanimous as to the conduct underlying the conviction. *See id.* at 130. The Court invited feedback from the Government regarding which remedy the Government would like to propose. *Id.* at 130, 144–45. By its letter dated November 8, 2021, the Government requested that the Court dismiss the indictment effective immediately. Dkt. No. 72. Defendant consents to the remedy elected by the Government. *Id.* The Court will adopt the remedy proposed by the parties. Accordingly, the indictment is dismissed without prejudice.

The Clerk of Court is directed to terminate all pending motions and adjourn all remaining dates in this case.

SO ORDERED.

Dated: November 9, 2021

  
\_\_\_\_\_  
GREGORY H. WOODS  
United States District Judge